vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2114 OF 2006**

Maharashtra State Road Transport Corporation ... Petitioner

V/s.

Bhimashankar S. Sonnad ... Respondent

Mr.G.S. Hegde for Petitioner
Mr.P.M. Mengane for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 15, 2007**

**P.C.:**

. This petition challenges the order of the Labour Court in complaint (ULP) No.163 of 1996 and of the Industrial Court in revision (ULP) No.54 of 2002. The Labour Court has found that the misconduct of absenteeism for 13 days has been proved. However, considering the fact that the respondent was in employment with the petitioner from 1972 to 1996 and the fact that the misconduct was of a minor nature, the Labour Court has interfered with the punishment for cogent reasons. Instead of dismissal, it has held that the respondent, who had retired during the pendency of the complaint, is entitled to 50% backwages from the date of dismissal till the date of retirement together with continuity of service.

2. The Industrial Court has confirmed the view

taken by the Labour Court although the order could have been written in a better manner. There is no need to interfere with the findings recorded by both the Courts below or with the punishment imposed by the Labour Court and confirmed by the Industrial Court. Petition rejected.